**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE KURIAN JOSEPH**

**WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929**

**WP(C).No. 24849 of 2003(G)**

**PETITIONER:**

**P.K. RAHMATHALI, SOBHA POLYGON,**
**THEKKENADA, KODUNGALLOR-680 664.**

**BY ADV. SRI.C.S.ABDUL SAMMAD**
**SRI.V.D.BALAKRISHNA KARTHA**
**SRI.PRASUN.S**

**RESPONDENTS:**

1. **KERALA STATE ELECTRICITY BOARD, REP. BY CHIEF ENGINEER (COMMERCIAL AND TARIFF), VYDYUTHI BHAVAN, TRIVANDRUM.**
2. **THE DEPUTY CHIEF ENGINEER, APTS, HEAD QUARTERS, VYDHYTHI BHAVAN, TRIVANDRUM.**
3. **THE EXECUTIVE ENGINEER, ELECTRICAL DIVISION, KODUNGALLOOR.**
4. **ASSISTANT EXECUTIVE ENGINEER, ELECTRICAL DIVISION, KODUNGALLOOR.**

**BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**WP(C) NO: 24849/2003 G**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXT.P1. COPY OF THE NOTICE NO. DB9/MISC 2002-03/02 DT. 2/4/03 FROM R4 TO THE PETITIONER.**

**EXT.P2. COPY OF THE NOTICE DT. 10/07/2002 FROM THE R4 TO THE PETITIONER.**

**EXT.P3. COPY OF THE CALCULATION SHEET OF THE ELECTRICITY BILL DT. 8/7/02.**

**EXT.P4. COPY OF THE GB1/20630/2003/8132 DT. 24/7/2003 FROM THE R3 TO THE PETITIONER.**

**EXT.P5. COPY OF THE APPEAL PETITION DT. 26/7/2003 FROM THE PETITIONER TO THE R1.**

*True copy*

*tga*

**KURIAN JOSEPH, J.**

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**W.P(C)No.24849 of 2003**

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**Dated this the 13th day of June, 2007**

**JUDGMENT**

The issue raised in this writ petition pertains to the question regarding the penal rates to be levied in situations of unauthorised extension of service connection. In the judgment dated 6th June, 2007 in O.P.No.3054/2001 it has been held that LT VIII tariff cannot be made applicable in such situations and what is permissible is only penalty for the fixed charges. For parity of reasons the impugned proceedings in this case are also quashed with liberty to levy penalty for the fixed charges as held in the judgment in O.P.No.3054/2001. A copy of the judgment in O.P.No.3054/2001 will be appended to this judgment.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.